

NOV 16 2009

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A. Subcase 37-20348

Case No. 39576

STANDARD FORM 2
RESPONSE TO OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Robert E. Gardner
Kathryn Allred Gardner

Address: PO Box 1200
Hailey, ID 83333

Daytime Phone: (208) 788-2568

Name & Address of Attorney, if any:
James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

C. NAME AND ADDRESS OF PERSON WHO FILED OBJECTION TO
WHICH YOU ARE RESPONDING

Name: Jerry Turco, Jr.

Address: 525 Riverside Avenue
Lyndhurst, NJ 07071

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
2. ☒ **Source**
3. ☒ **Quantity**
4. ☒ **Priority Date**
5. ☒ **Point(s) of Diversion**
6. ☐ **Instream Flow Description**
7. ☒ **Purpose(s) of Use**
8. ☒ **Period of Year**
9. ☒ **Place of Use**
10. ☐ **Other** _____
11. **Recommendation:**
 - ☒ This water should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

F. **VERIFICATION (Must be completed)**

State of Idaho)
) ss.
County of Blaine)

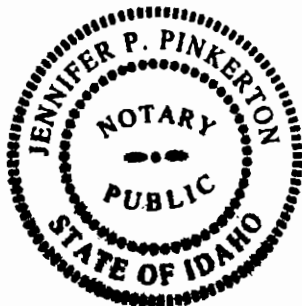
James P. Speck, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

J. P. Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: NOV. 11, 2009



Jenny P. Pinkerton
Notary Public for Idaho
Residing at Ketchum, ID
My Commission expires 2/9/15

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all of the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on November 12, 2009, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Jerry Turco, Jr.
Address: 525 Riverside Avenue
Lyndhurst, NJ 07071

3. One copy to the party who filed the objection at the following address:

Name: see 2., above
Address:

4. Copies to:

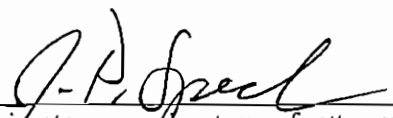
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

Timothy W. Tyree
877 Main St., #1000
Boise, ID 83702




Your signature or signature of attorney
mailing on your behalf